

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 328

Introduced by Schimek, 27

Read first time January 14, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the County Purchasing Act; to amend sections
2 23-3108 and 23-3109, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to competitive
4 bidding; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-3108, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-3108. (1) Except as provided in section 23-3109,
4 purchases of personal property or services by the county board or
5 purchasing agent shall be made:

6 ~~(1)~~ (a) Through the competitive sealed bidding process
7 prescribed in section 23-3111 if the estimated value of the
8 purchase is ten thousand dollars or more;

9 ~~(2)~~ (b) By securing and recording at least three informal
10 bids, if practicable, if the estimated value of the purchase is
11 equal to or exceeds two thousand five hundred dollars, but is less
12 than ten thousand dollars; or

13 ~~(3)~~ (c) By purchasing in the open market if the estimated
14 value of the purchase is less than two thousand five hundred
15 dollars, subject to section 23-3112. In any county having a
16 population of less than one hundred thousand inhabitants and in
17 which the county board has not appointed a purchasing agent
18 pursuant to section 23-3105, all elected officials are hereby
19 authorized to make purchases with an estimated value less than two
20 thousand five hundred dollars.

21 (2) In no case shall a purchase made pursuant to
22 subdivision ~~(1)~~, ~~(2)~~, or ~~(3)~~ (1) (a), (b), or (c) of this section be
23 divided to produce several purchases which are of an estimated
24 value below that established in the relevant subdivision.

25 (3) All contracts and leases shall be approved as to form
26 by the county attorney, and a copy of each long-term contract or
27 lease shall be filed with the county clerk.

28 Sec. 2. Section 23-3109, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 23-3109. (1) Competitive bidding shall not be required
3 (a) when purchasing unique or noncompetitive items, (b) when
4 purchasing petroleum products, (c) when obtaining professional
5 services or equipment maintenance, or (d) when the price has been
6 established by the one of the following: (i) The federal General
7 Services Administration; (ii) of the materiel division of the
8 Department of Administrative Services; or (iii) a cooperative
9 purchasing agreement by which supplies, equipment, or services are
10 procured in accordance with a contract established by another
11 governmental entity or group of governmental entities if the
12 contract was established in accordance with the laws and
13 regulations applicable to the establishing governmental entity or,
14 if a group, the lead governmental entity.

15 (2) The county board may, by majority vote of its
16 members, waive the bidding requirements of the County Purchasing
17 Act if such waiver is necessary to meet an emergency which
18 threatens serious loss of life, health, or property in the county.

19 (3) The governing board may waive the bidding
20 requirements of the County Purchasing Act if the county can save a
21 significant amount of money by entering into a special purchase.
22 The county board shall, five days prior to such special purchase,
23 publish notice of its intention to make such a special purchase,
24 stating the items considered and inviting informal quotes. A
25 two-thirds vote of the entire county board shall approve such
26 special purchase.

27 Sec. 3. Original sections 23-3108 and 23-3109, Reissue
28 Revised Statutes of Nebraska, are repealed.